

DFC - CMC - 06



DEPARTMENT OF THE NAVY

(b)(6), (b)(7)(c)

1616
Ser N01L
12 Apr 18

From: (b)(6), (b)(7)(c)
To: Commander, Naval Personnel Command (PERS-832)

Subj: DETACHMENT FOR CAUSE ICO CMDCM (b)(6), (b)(7)(c) USN

1. Forwarded.

2. My point of contact for this matter is my Deputy Staff Judge Advocate, LCDR (b)(6), (b)(7)(c)
(b)(6), (b)(7)(c) JAGC, USN. He may be reached at (b)(6), (b)(7)(c) or (b)(6), (b)(7)(c)

(b)(6), (b)(7)(c)

Copy to:
(b)(6), (b)(7)(c)



DEPARTMENT OF THE NAVY
(b)(6), (b)(7)(c)

IN REPLY REFER TO:

1616

Ser N00L/100

28 Mar 18

FIRST ENDORSEMENT on CMDCM (b)(6), (b)(7)(c) USN ltr 1616 dated 23 Mar 18

From: (b)(6), (b)(7)(c)

To: Commander, Naval Personnel Command (PERS-832)

Via: (b)(6), (b)(7)(c)

Subj: STATEMENT IN RESPONSE TO DETACHMENT FOR CAUSE REQUEST

1. Forwarded.

2. My point of contact for this matter is my Staff Judge Advocate, Lieutenant Commander (b)(6), (b)(7)(c) JAGC, USN. He may be reached at (b)(6), (b)(7)(c) or (b)(6), (b)(7)(c)

(b)(6), (b)(7)(c)

1616
23 Mar 18

From: Command Master Chief (b)(6), (b)(7)(c) USN
To: Commander, Naval Personnel Command (PERS-832)
Via: (1) (b)(6), (b)(7)(c)
(2) [REDACTED]

Subj: STATEMENT IN RESPONSE TO DETACHMENT FOR CAUSE REQUEST

Ref: (a) MILPERSMAN 1616-010
(b) OPNAVINST 3100.7C
(c) OPNAVINST 1306.2H CH-1
(d) MILPERSMAN 1910-202

Encl: (1) Detachment for Cause Request

1. Per reference (a), I submit the following statement in regards to (b)(6), (b)(7)(c) detachment for cause request.

2. At approximately 0300, 24 Dec 2017, the Command Duty Officer approached my residence to request guidance of a situation involving the Executive Officer. I asked the Command Duty Officer if there was any misconduct or arrest. He stated "no" based on the current information, and he thought the Executive Officer simply locked himself out of his room. I asked the Command Duty Officer if the Executive Officer was detained and what the roving security had logged, he stated he was not detained nor was anything logged as the roving security personnel did not feel his actions demonstrated any misconduct. At this point, per reference (b), we agreed there was not a need to make a log entry in the Deck Log. I also asked the Command Duty Officer not to gossip about the situation for the best interest of good order and discipline of the unit in accordance with reference (c). The Command Duty Officer agreed that based on the facts we were provided at the time, this course of action was appropriate. At that time, I fully expected to notify the Commanding Officer on the next scheduled work day (27 Dec 2017) as I felt that even without any noted misconduct, the Executive Officer needed to be informally counseled for his overuse of alcohol and possibly be required to seek treatment. I spoke via text message with the Executive Officer the following morning (approx. 1100, 24 December 2017) to ensure that he was ok and he informed me he would speak with the Commanding Officer. If there was a preponderance of misconduct self reported to the Commanding Officer by the Executive Officer, the Commanding Officer would have taken immediate action or contacted me directly for my advice or counsel. On 27 December 2017, I spoke with the Commanding Officer who already had some knowledge of the situation when additional details of allegations of misconduct were made available to me by the Operations Officer. At that time, I recommended to the Commanding Officer that an investigation be initiated into the events surrounding the

Executive Officer's actions the evening of 23 December 2017 without prompting or solicitation based on the Operations Officer's information.

3. In response to paragraph 5, enclosure (1). Per reference (c) The Command Master Chief's duties include "the upholding and enforcement of the highest standards of professionalism and integrity, while enhancing active communication at all levels of command throughout the Department of the Navy". My actions were based on the information that was directly provided to me at the time I provided advice or guidance in accordance with Navy policy standards as outlined in reference (b). Additionally, I enhanced active communication through discussion with the Executive Officer to ensure he reported actual facts surrounding the situation versus the limited information I was provided. Chapter 4, paragraph 2g of reference (c) establishes Command Master Chiefs "will assist commanders and COs in all matters pertaining to welfare, health, job satisfaction, morale, utilization, and training of Sailors to promote standards of good order and discipline." I upheld my duty to advise the Commanding Officer once allegations of misconduct were made available to me by recommending an investigation be conducted. My discussion with the Command Duty Officer was in alignment with official Navy policy and focused in on maintaining good order and discipline across the command. Additionally, I was ensuring the oversight of proper and accurate communications in accordance with Chapter 4, paragraph 21 of reference (c) by exercising my judgement based on my previous experiences to take the advice of the on scene roving security personnel that deemed the situation not to be an action of misconduct; helping me to determine there was not a need for immediate notification at 0300 to the Commanding Officer.

4. Per reference (d), at no point was I formally counseled while serving as the Command Master Chief as cited in paragraph 6, enclosure (1). In regards to the informal counseling on 16 November 2017, the counseling was not specific to "triad communications" it was focused on stress levels of the unit caused by a demanding Commanding Officer. I was asked to be more forceful in my dealings with the Commanding Officer to reduce his high standards in unneeded areas that were causing command stress. I did believe the Commanding Officer held a high standard of performance and informed the (b)(6), (b)(7)(c) that I already had many discussions and would continue to advise and counsel the Commanding Officer as warranted while monitoring the command's stress levels. The (b)(6), (b)(7)(c) (b)(6), (b)(7)(c) did not conduct any further surveys or site visits to make a valid determination of command climate prior to the counseling session. Furthermore, there were no reports made to me or through any official capacity to support the claim of increased stress levels that affected the work environment dissimilar from my previous 10 deployments that necessitated an informal counseling. At the informal counseling I informed (b)(6), (b)(7)(c) (b)(6), (b)(7)(c) that I felt the command climate had improved substantially since the homeport DEOCS survey. This was later validated through comments from the Commander and Command Master Chief (b)(6), (b)(7)(c) after a site visit to our deployed location.

4. Per paragraph 1c of reference (a), I was not negligent, incompetent, or derelict in my duties. My actions surrounding the incident or previous to it were not illegal, immoral, or of an

unprofessional manner that represents substandard performance. Additionally, per paragraph 1b of reference (a), one informal counseling that was not specific to my personal conduct does not necessitate all other efforts being exhausted prior to a detachment for cause request. I acted with the best interest of the command and the Navy in mind per reference (c). I respectfully request that the detachment for cause request be rescinded, no NEC removal be pursued, and I be allowed to continue in the capacity of serving as a Command Master Chief with no future repercussions for the alleged unsatisfactory performance from this assignment, in regards to my future assignments or disposition.

(b)(6), (b)(7)(c)

(b)(6), (b)(7)(c)

(b)(6), (b)(7)(c)

23 MAR 15



DEPARTMENT OF THE NAVY
(b)(6), (b)(7)(c)

IN REPLY REFER TO:

1616

Ser N00L/090

14 Mar 18

From: (b)(6), (b)(7)(c)

To: Commander, Naval Personnel Command (PERS-832)

Via: (1) CMDCM (b)(6), (b)(7)(c) JSN
(2) (b)(6), (b)(7)(c)

Subj: DETACHMENT FOR CAUSE ICO CMDCM (b)(6), (b)(7)(c) USN

Ref: (a) MILPERSMAN 1616-010
(b) OPNAVINST 1306.2H CH-1
(c) Section 1137, U.S. Navy Regulations
(d) NAVPERS 1221/6

Encl: (1) Command Investigation dated 16 Jan 18
(2) Captain's Mast Accused's Notification and Election of Rights
(3) NAVPERS 1626/7
(4) Statement to accompany refusal of nonjudicial punishment dated 27 Feb 18
(5) Member's acknowledgement of DFC request

1. Per reference (a), I request CMDCM (b)(6), (b)(7)(c) be detached for cause from (b)(6), (b)(7)(c) (b)(6), (b)(7)(c) by reason of unsatisfactory performance of duty involving a significant event.

2. CMDCM (b)(6), (b)(7)(c) was assigned to (b)(6), (b)(7)(c) or (b)(6), (b)(7)(c) 2016 and served as the unit's CMDCM until he was relieved of his duties on 12 February 2017, by (b)(6), (b)(7)(c) (b)(6), (b)(7)(c). At the time of his relief, CMDCM (b)(6), (b)(7)(c) and (b)(6) were forward deployed to (b)(6), (b)(7)(c) from its homeport in (b)(6), (b)(7)(c). CMDCM (b)(6), (b)(7)(c) temporarily assigned to (b)(6), (b)(7)(c).

3. Enclosure (1) is the investigation convened by (b)(6), (b)(7)(c) to inquire into allegations of misconduct committed by the then Executive Officer of (b)(6), (b)(7)(c). The investigation established that on the night of 23 December 2017, following a joint Wardroom and Chief's Mess function onboard (b)(6), (b)(7)(c), he then Executive Officer (XO) of (b)(6), (b)(7)(c) was found drunk and unclothed onboard the installation by enlisted members of base security. The Command Duty Officer (CDO) informed CMDCM (b)(6), (b)(7)(c) of the XO's state of undress and the involvement of base security that night. CMDCM (b)(6), (b)(7)(c) directed the Command Duty Officer (CDO) to not record the incident in the duty logbook and directed the CDO to not speak to anyone about it. Pursuant to this conversation, the CDO did not report the incident to the CO or the oncoming CDO and did not record the incident in the duty logbook.

(b)(6), (b)(7)(c)

Subj: DETACHMENT FOR CAUSE ICO COMMAND MASTER CHIEF (b)(6), (b)(7)(c)
(b)(6), (b)(7)(c) JSN

4. CMDCM (b)(6), (b)(7)(c) did not notify the CO about the XO's incident that night, the following day, or the day after that. On 27 December 2017, only after being prompted by the CO did CMDCM (b)(6) discuss the XO's matter with the CO. While (b)(6), (b)(7)(c) was placed in a liberty status by the CO on 25 and 26 December 2017, the CO and CMDCM remained berthed on the same installation with access to one another in person or through text, email, or telephonic communications. CMDCM (b)(6), (b)(7)(c) inexcusably chose not to discuss his knowledge of the incident with his CO.

5. Reference (b) establishes the duties and responsibilities of a Command Master Chief. As noted in reference (b), Command Master Chiefs report directly to their Commanding Officer and provide input and advice on myriad issues. The Command Master Chief's duties include "the upholding and enforcement of the highest standards of professionalism and integrity, while enhancing active communication at all levels of command throughout the Department of the Navy." CMDCM (b)(6), (b)(7)(c) inaction in this matter displayed a serious lack of judgment that did not meet that standard. Chapter 4, paragraph 2g of reference (b) establishes that Command Master Chiefs "will assist commanders and COs in all matters pertaining to welfare, health, job satisfaction, morale, utilization, and training of Sailors in order to promote standards of good order and discipline." CMDCM (b)(6), (b)(7)(c) failure to notify the CO and his direction to the CDO to not record the incident in the command duty logbook and to not tell anyone reflects poorly on his judgment and runs counter to this standard. Chapter 4, paragraph 2l of reference (b) also holds that Command Master Chiefs "will provide oversight on the delivery of proper, accurate and timely communications throughout the command(s)." As above, CMDCM (b)(6), (b)(7)(c) failure to notify the CO and his direction to the CDO to not record the incident in the duty logbook and to not tell anyone reflects poorly on his judgment and runs counter to this standard. Reference (c) is the Navy's regulation requiring the immediate reporting of known offenses to a superior. Master Chief (b)(6), (b)(7)(c) failure to report the XO's incident to the CO violates this standard. In sum, failing to report the incident to the CO as soon as practicable, directing the CDO to not report the incident in the log book, and to not speak to anyone about it, are adverse to good order and discipline and clearly contrary to the expected behavior of a CMDCM with (b)(6), (b)(7)(c) of naval service. CMDCMs are first and foremost leaders. As leaders, they are responsible to establish and maintain (b)(6), (b)(7)(c) conditions that provide all of their people with the opportunity to be successful. CMDCM (b)(6), (b)(7)(c) actions in this incident did not live up to that standard and warrant his detachment for cause.

6. While CMDCM (b)(6), (b)(7)(c) misconduct forms the basis for my request, it is important to note that his misconduct was preceded by both informal and formal counseling. CMDCM (b)(6), (b)(7)(c) attended a DEOCS survey debrief on 5 October 2017, where the (b)(6), (b)(7)(c) triad was cautioned about poor triad communication and leadership friction in the build-up to their deployment. Following their deployment to (b)(6), (b)(7)(c) it became known that the issues raised in the DEOCS survey debrief had not substantially improved. Consequently, I traveled to (b)(6), (b)(7)(c) to personally counsel the triad on this matter. CMDCM (b)(6), (b)(7)(c) received a verbal counseling from me on 16 November 2017, on the need to improve triad communications and provide forceful back-up to the CO. Given these prior efforts, the nature of his misconduct, and his subsequent relief as CMDCM for (b)(6), (b)(7)(c) I request CMDCM (b)(6), (b)(7)(c) be detached for cause from (b)(6), (b)(7)(c) by reason of unsatisfactory performance of duty involving a significant event.

Subj: DETACHMENT FOR CAUSE ICO COMMAND MASTER CHIEF (b)(6), (b)(7)(c)
(b)(6), (b)(7)(c) USN

7. On 20 February 2018, CMDCM (b)(6), (b)(7)(c) was notified of nonjudicial punishment (NJP) for three violations of the Uniform Code of Military Justice (UCMJ), Article 92. Master Chief (b)(6), (b)(7)(c) refused NJP. The notification paperwork, charges, his refusal of NJP, and his rationale for refusing NJP are contained in enclosures (2) through (4). After reviewing the investigation and receiving advice and counsel from my staff judge advocate, I declined to pursue court-martial. Similarly, after balancing Master Chief's misconduct against his service and experience, I decided against administrative separation processing. While CMDCM (b)(6), (b)(7)(c) can continue to serve the Navy in another role, I do not believe that he should do so in the capacity of CMDCM. Consequently, reference (d) is my request for removal of his NEC.

8. I have given a copy of this request to CMDCM (b)(6), (b)(7)(c) his date and by enclosure (5), have informed CMDCM (b)(6), (b)(7)(c) that the request may be filed in his official record. CMDCM (b)(6), (b)(7)(c) was also informed by enclosure (5) that he has a right to submit a written statement and has 10 days until 26 March 2018 to do so.

(b)(6), (b)(7)(c)